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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,793	03/08/2002	Peter A. Hawkins	2207/13697	3414
7590	03/10/2005		EXAMINER	
KEVIN A. REIF C/O BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 03/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/092,793	HAWKINS, PETER A.	
	Examiner Bharat N Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/8/02,7/1102,11/21/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

**Specification**

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

**Drawings**

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickson et al (U.S. Patent No. 5,644,700). Dickson's patent meets all the limitations for claims 1-26 recited in the claimed invention.

5. As to claim 1, Dickson et al disclose a system comprising: a first system management controller (SBMC 18) to negotiate with other system management controllers (SBS 17, SBS SA 21, SBMC 19) to determine the first system management controller's initial operational mode (see abstract; figure 1; column 1 lines 42-58; and column 2 line 64 to column 3 line 6).

6. As to claim 2, Dickson et al disclose that firmware instructions to be executed by the first system management controller (column 2 lines 33-47; and column 5 lines 21-30).

7. As to claims 3-4, Dickson et al disclose that the first system management controller includes an input/output port (figure 1 Ref. No. 20) to send messages that comply with the Intelligent Platform Management Interface specification; and further comprises a second input/output port (figure 1 Ref. No. 23) to send a duplicate copy of system management messages to the other system management controllers (figure 1; and column 2 lines 18-42).

8. As to claim 5, Dickson et al disclose that available operational modes for the first system management controller include active baseboard management controller mode, standby baseboard management controller mode, and satellite management controller mode (column 5 line 63 to column 6 line 26).

9. As to claim 6, Dickson et al disclose that the negotiation with other system management controllers is based at least in part on one of controller mode capability, user configured preference, module type, and geographical address (column 2 line 64 to column 4 line 13; column 5 lines 50-62; and column 7 lines 17-30).

10. As to claims 7-8, Dickson et al teach the steps of: sending a message from the first system management controller to other system management controllers; and determining an initial operational mode of the first system management controller based upon whether the first system management controller receives a response to the message and, if a response is received, based upon the content of the response that is received and receiving a message from a second system management controller; and sending a response to the second system management controller that is based at least in part on the current state of the first system management controller (column 2 line 64 to column 4 line 13).

11. As to claims 9-10, Dickson et al disclose that the response to the second system management controller is also based at least in part on the controller mode capability of the first system management controller and a user-configured mode preference (column 5 lines 50-62; and column 7 lines 17-30).

12. As to claims 11-15, they are also rejected for the same reasons set forth to rejecting claims 1 and 5-10 above. Additionally, Dickson et al teach that determine the relative priority (status) of the first system management controller and second system management controller based on at least one of controller mode capability, user configured preference, module type, and geographical addresses (column 2 line 43 to column 3 line 65; and column 5 line 46 to column 6 line 26).

13. As to claims 16-23, they are also rejected for the same reasons set forth to rejecting claims 1-15 above. Additionally, Dickson et al teach that the response by the first management controller is based at least in part upon a negotiation protocol state of the first system management controller (column 3 lines 7-48).

14. As to claims 24-25, Dickson et al teach that there is an absence of a response to a mode request if a threshold number of requests have been sent by the controller without receiving a response within a timeout period; and a system management controller that does not receive a response to a controller mode request within a time-out period retries the request at least once before determining that the system management controller is to be the baseboard management controller (column 2 lines 33-43; column 3 lines 7-21; and column 6 line 27 to column 7 line 16).

15. As to claim 26, Dickson et al teach that the mode requests contain information relating to the operational modes in which the controller sending the request is capable of operating (column 3 line 49 to column 4 line 13).

**Additional References**

16. The examiner as of general interest cites the following references.
- a. DeKoning et al, U.S. Patent No. 6,085,333.
  - b. Hoang, U.S. Patent No. 6,067,585.
  - c. Gaddis, U.S. Patent No. 5,956,337.

**Contact Information**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (571) 272-3978.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

March 01, 2005

*Bharat Barot*  
BHARAT BAROT  
PRIMARY EXAMINER